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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,717

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Martin Paul Moshal

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11/28/2008

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EXAMINER

LOPEZ, ELDRED ISAAC

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

11/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,717	Applicant(s) MOSHAL, MARTIN PAUL	
	Examiner ELDRED I. LOPEZ	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>21 March 2006, 18 September 2006, 3 July 2007,</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>17 November 2008.</u> | |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

2. Claims 56-67 are rejected under 35 U.S.C 101 as being directed to non-statutory subject matter because these are method or process claims that do not transform underlying subject matter (such as an article or materials) to a different state or thing, nor are they tied to another statutory class (such as a particular machine). See *Diamond v Diehr*, 450 U.S. 175, 184 (1981) (quoting *Benson*, 409 U.S. at 70); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978) (citing *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)). See also *In re Comiskey*, 499 F.3d 1365, 1376 (Fed. Cir. 2007) (request for rehearing en banc pending). Claim 56 provides no structure and in the end only data is being moved around with no result tied into the data.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 43-53, 55-65, and 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Heaton et al (US 20030109310). Heaton discloses a menu based system for different games that provides wager advice on said games. Heaton also discloses a menu system that includes:

5. Regarding claims 43 and 56, a display means operable to display game data corresponding to a number of available casino games playable by a player at an online casino (Figure 3), the number of available casino games being categorized into a plurality of different selectable game categories characterized in that the display means displays to the player, simultaneously (Figures 3, 8; Paragraph 73): a) an identity of each one of the plurality of different game categories (Figures 3, 8), b) at least one attribute of each game in any selected one of the plurality of different game categories (name of the game, Figure 3) and c) additional game attributes of any selected one of the games in the selected game category (Figure 3).

Regarding claims 44, 57, in which the at least one attribute displayed for each game in any selected one of the plurality of different game categories is a name of the game (Figure 3).

Regarding claims 45, 58, in which the additional game attributes displayed for any selected one of the games in the selected game category includes any one or more of a size of a jackpot that can be won on the casino game, a plurality of different parameters of the casino game, a graphical representation of a display of the game,

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and a game status (odds, Figure 3, 360). Regarding claims 46, 47, 59 and 60, in which the game status is an active status when the casino game is ready for the playing by the player, and an inactive status when the game is not ready for playing by the player; and in which the game is ready for playing by the player when the casino game has previously been downloaded from a gaming server (Figure 1, Paragraphs 34 and 35; a game won't be ready to play until a game is downloaded unto the computing device such as a mobile phone).

Regarding claims 48, 61, in which the display means displays the plurality of different game categories to the player as tabbed categories (Figure 3).

Regarding claims 49, 62, in which the display means displays the at least one attribute of each game in any selected one of the tabbed game categories in tabular column format in a scrollable window (Game names, Figure 3). Regarding claim 50, 63, in which the display means displays simultaneously the additional game attributes for any selected one of the games in the selected one of the tabbed game categories in an adjacent non scrollable window (Figure 3).

Regarding claim 51, which includes a categorization facility operable to categorize the number of available casino games playable by the player into the plurality of different game categories (game type, Figure 8, 802).

Regarding claims 52, 64, in which the plurality of different game categories include games that are preferred by the player, games that are recommended by the online casino to the player for play, games that are new to the online casino, jackpot games offered by the online casino, table games offered by the online casino, video

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poker games offered by the online casino, and slots games offered by the online casino (Figures 2, 8).

Regarding claims 53, 65, in which any one of the number of available casino games is categorizable into more than one different game category (game type, Figure 8, 802).

Regarding claims 55, 67 in which the display means is operable to also display to the player the plurality of different game categories and the casino games in each category by means of a conventional fly out menu (Figure 8).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 54 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heaton et al (US 20030109310) and further in view of Walker et al (US 20040005919). Heaton discloses all the elements as previously claimed but lacks disclosing a category preferred by the player. Walker teaches a category preferred by the player (Paragraphs 261, 300). Heaton and Walker are both analogous art because they both teach similar menu systems. It would be obvious to one of ordinary skill in the art to combine both Heaton and Walker because one would be motivated to have a preferred list of games to have a "favorite's list" of games to have easy and quicker access to said game. All the claimed elements were known in the prior art and one

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skilled in the art could have provided a method for having a preferred list of games by known methods with no change in their respective functions, and the combination would have yielded predictable results.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rothschild (US 20030171149).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELDRED I. LOPEZ whose telephone number is (571)270-3771. The examiner can normally be reached on M-F 7:30-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Eldred Lopez/
Patent Examiner

/Scott E. Jones/
Primary Examiner, Art Unit 3714